

REMARKS

As noted previously, the Applicant appreciates the Examiner's thorough examination of the subject application.

Claims 1-3 are pending in the subject application and were rejected in the non-final Office Action mailed 15 April 2009 on various statutory grounds, described in further detail below. Claims 1-3 are amended herein. No new matter has been added.

Applicant requests reconsideration and further examination of the subject application in light of the following remarks.

Specification

Concerning items 1-4 of the Office Action, the Examiner objected to the specification of the subject application, including the Abstract, for including unclear terms and legal phraseology typically reserved for the claims. The Examiner indicated a number of suggested changes. In response, the present amendment to the specification addresses each of the Examiner's noted points of concern, including revision of the Title and amendments to the Abstract. Thus, the issues with the specification are believed to be overcome.

Drawings

Concerning item 5 of the Office Action, the drawings were objected to under 37 CFR § 1.84(p)(5) because they do not include reference characters 1 and 4. In response, paragraph [0018] of the specification has been amended to include a general reference to all three figures (FIGS. 1-3), not just FIG. 1.

The Applicant's attorney discussed this point with the Examiner (on 09 July 2009) and it was agreed that such an amendment would cure the issues with the drawings. Thus, it is submitted that the objection to the drawings has been overcome.

Claim Rejections – 35 U.S.C. § 112

Concerning items 6-8 of the Office Action, claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. The Examiner further stated that the claims are generally narrative and indefinite, failing to conform with current U.S. practice.

In response, claims 1-3 are amended herein to reflect the claims of the Applicant's corresponding European Patent (EP 1 688 159 B1), while at the same time conforming to current U.S. practice. The amendments to the claims are believed to fully address the rejections under 35 U.S.C. § 112 and the Examiner is requested to contact the undersigned if any further issues remain.

Claim Rejections – 35 U.S.C. § 102

Concerning items 9-10 of the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,219,021 to Fink ("Fink"). Applicant respectfully traverses the rejection and requests reconsideration for the following reasons.

As a preliminary point, Applicant notes that the independent claims of the subject application are amended herein and are now substantially in the form of claims 1-3 of Applicant's corresponding European Patent (EP 1 688 159 B1),

A requirement for a rejection under 35 U.S.C. § 102(b) is that the cited reference must teach, inherently or expressly, each and every limitation as arranged in the claim(s) at issue. In this situation, Fink fails to teach all of the limitations as arranged in amended independent claim 1. The stopcock of amended claim 1 includes a primary arm and two secondary arms joined at a body "wherein the principle arm and the secondary arms can be brought to selectively communicate with each other or be disconnected, and wherein the two secondary arms protrude diametrically opposite from the body, wherein the tangent of both arms nearest the body is perpendicular to the principal arm, wherein each secondary arm has (i) a proximal segment adjacent to the body that is curved and flexible, and (ii) a

distal segment, wherein the two distal segments can be made essentially parallel and the two proximal segments can be oriented in a direction perpendicular to the principal arm.”

In contrast, Fink teaches a color-coded stop-cock valve for use with intravenous (“IV”) sets, the valve including a valve body having at least two inlets and one outlet adapted to be connected to an IV system, a rotatable valve core formed with passages to interconnect with the inlet and outlet passages in the valve body upon rotation thereof and a valve handle connected to the core. The Fink handle and valve body are marked with distinct color indicia unique to each inlet and outlet so that the position of the valve and flow arrangement can be quickly discerned.

While Fink does mention that IV tubes can be made of flexible tubing (Fink, col. 1, lines 19-23), *the Fink reference does not teach that the stop-cock is made of flexible material*. It is respectfully submitted that the Examiner has mistaken IV lines for the secondary arms recited in Applicants amended claim 1.

At the very least, Fink does not teach (or suggest) the above-noted configuration of the primary and secondary arms as recited in amended claim 1.

Because of the foregoing reasons, Fink forms an improper basis for a rejection of claims 1 and 2 under 35 U.S.C. § 102(b), and Applicant requests that the rejection be removed accordingly.

Claim Rejections – 35 U.S.C. § 103

Concerning items 11-12 of the Office Action, claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fink, previously discussed, in view of U.S. Patent No. 7,033,339 to Lynn (“Lynn”). Applicant respectfully traverses the rejection and requests reconsideration for the following reasons.

Lynn is directed to Luer access devices for the engagement of conventional Luer lock connectors and systems using penetration of a Luer tip of a Luer lock connector into a septum to

achieve access for medical fluid transfer. See, e.g., Lynn, col. 1, lines 16-19.

Lynn is not understood as curing the previously-noted deficiencies of Fink relative to amended claim 1.

Thus, without acceding to the presence, sufficiency or propriety of the motivation adduced by the Examiner for the rejection, the combination of Fink and Lynn fails to teach or suggest all of the limitations of amended claim 3. Accordingly, Applicant respectfully requests that the rejection of claim 3 be withdrawn.

Conclusion

In view of the amendments and remarks submitted herein, Applicant respectfully submits that all of the pending claims in the subject application are in condition for allowance, and respectfully request a Notice of Allowance for the application.

If a telephone conference will expedite prosecution of the application, the Examiner is invited to telephone the undersigned. Authorization is hereby given to charge our deposit account, No. 50-1133, for any fees required for the prosecution of the subject application.

Respectfully submitted,

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